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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.   | CONFIRMATION NO. |
|---|-------------|----------------------|-----------------------|------------------|
| 10/647,652  | 08/26/2003  | Thomas Brendel       | 03100131US            | 2125             |
| 7590  | 04/20/2005  |                      | EXAMINER              |                  |
| McGuireWoods LLP<br>Suite 1800<br>1750 Tysons Boulevard<br>Tysons Corner<br>McLean, VA 22102-4215 |             |                      | BOTTORFF, CHRISTOPHER |                  |
|   |             |                      | ART UNIT              | PAPER NUMBER     |
|   |             |                      | 3618                  |                  |
| DATE MAILED: 04/20/2005   |             |                      |                       |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |
|------------------------------|------------------------|---------------------|
|                              | 10/647,652             | BRENDEL, THOMAS     |
| Examiner                     | Art Unit               |                     |
| Christopher Bottorff         | 3618                   |                     |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 26 August 2003.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-14 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-11 and 14 is/are rejected.

7)  Claim(s) 12 and 13 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All   b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_.

## **DETAILED ACTION**

The preliminary amendment has been entered. Claims 1-14 are pending.

### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on August 26, 2003 was considered by the examiner.

### ***Specification***

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or

REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a).

"Microfiche Appendices" were accepted by the Office until March 1, 2001.)

(f) BACKGROUND OF THE INVENTION.

(1) Field of the Invention.

(2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.

(g) BRIEF SUMMARY OF THE INVENTION.

(h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

(i) DETAILED DESCRIPTION OF THE INVENTION.

(j) CLAIM OR CLAIMS (commencing on a separate sheet).

(k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

(l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A

"Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5, 6, and 8-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 5 and 6 recite the limitation "the forks" in lines 1-2 and 2 respectively.

There is insufficient antecedent basis for this limitation in the claims. Claim 1 establishes a singular fork rather than plural forks. For the purposes of examination, claims 5 and 6 are interpreted as defining two casters that each have a fork as defined in claim 2. Claim 8 recites the limitation "the fork pin" in line 4. There is insufficient antecedent basis for this limitation in the claim. For the purposes of examination, the fork pin of claim 8 is interpreted as being the fork pin through which the fork is mounted

in the bushing as defined in claim 7. Claim 13 recites the limitation "the bushing" in line 3. There is insufficient antecedent basis for this limitation in the claim. For the purposes of examination, the bushing is interpreted as being the structure in which the fork is mounted as defined in claim 7. Claim 14 recites the limitation "the pivot lever" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim. For the purposes of examination, the pivot lever is interpreted as the structure that displaces the bolt as defined in claim 10.

Also, claim 12 recites the limitation "the lever" on lines 1-2 but is not clear as to which lever is provided with a run-on slope. Claim 11, from which claim 12 depends, defines two levers, a linearly displaceable lever and a pivot lever. Although the lever of claim 12 refers to one of the levers of claim 11, claim 12 does not specify which lever. For the purposes of examination, the lever of claim 12 is interpreted as being the linearly displaceable lever.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Körber et al. US 4,953,645.

Körber et al. disclose a wheelchair having two driven wheels 3 and at

least one castor 5 which is mounted in a rotatable manner in a fork 16 which can be pivoted about a vertical axis. The fork 16 is connected to a steering linkage 20, wherein the connection between the fork 16 and the steering linkage 20 is releasable through coupling 17. See Figure 4 and column 4, lines 12-17, 19-21, 37-39, and 52-55. Also, Figure 2 and column 3, lines 42-52, provide further explanation of the caster components and coupling 17.

The at least one caster comprises two castors 5 each mounted in a fork 16. See Figure 4. The forks 16 are connected to one another via the steering linkage 20. See Figure 4. The forks 16 are mounted such that each can be rotated about a vertical axis through 360 degrees. See Figure 4. The forks can be blocked mechanically in relation to the steering linkage through coupling 17, and can be blocked in the straight-ahead position of the castors through coupling 17 unless steered in another direction. See Figure 4 and column 4, lines 19-21, 37-39, and 52-55. Also, the forks 16 are each mounted, via a fork pin 15 in a bushing (shown in Figure 2 supporting pin 15 above fork 16) connected to a frame 1. See Figures 4 and 2.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Körber et al. US 4,953,645 in view of Kovacs US 5,170,529.

Körber et al. do not disclose a bolt and lever arrangement as defined in claims 8-11 and 14. However, Kovacs teaches the desirability of providing such a bolt and lever arrangement to limit the pivot of casters on a caster wheeled vehicle. See Figures 3 and 4. The arrangement of Kovacs comprises a bolt 50 that can be pushed, transversely to the vertical axis, into a recess 60. See Figure 2. The bolt 50 can be displaced counter to the force of a compression spring 54. See Figure 2. The bolt 50 can be displaced via a pivot lever arrangement in which the bolt 50 is displaced via a linearly displaceable lever 44 acted on by a pivot lever 26. See Figure 4. Also, the pivot lever 26 has a rounded protuberance at its front end. See Figures 3 and 4.

From the teachings of Kovacs, providing the wheelchair of Körber et al. with a bolt and lever arrangement as claimed would have been obvious to one of ordinary skill in the art at the time the invention was made. Such a modification would allow the casters to be fixed relative to the wheelchair for enhanced maneuverability.

### ***Allowable Subject Matter***

Claims 12 and 13 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. Claim 12 requires the linearly displaceable lever to have a run on slope that interacts with a radial shoulder of the bolt. Claim 13 requires the pivot lever to be mounted on a spindle connected to the

bushing. These features, in combination with the further limitations of the claims from which they depend, are not taught by the prior art.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sugiyama, Möller, Johnson, Meyer, Noda et al., Harris et al., Wu, Bussinger, Wilson et al., Constantijn et al., and Lee disclose caster steering arrangements.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Bottorff whose telephone number is (571) 272-6692. The examiner can normally be reached on Mon.-Fri. 7:30 a.m. - 4:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on (703) 308-2560. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the  
Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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